

Notice of Allowability

Application No.

09/675,258

Examiner

Merilyn P. Nguyen

Applicant(s)

MORIMOTO, NOBUYOSHI

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the supplemental appeal brief filed March 08, 2004.
2. ☒ The allowed claim(s) is/are 1-5, 7-23, 28, 41, 42, 44-47, 49-51, 53-70, 73 and 74 and renumbered as 1-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/16/03&02/05/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
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DETAILED ACTION

1. In response to the communication dated 08/03/2004, claims 1-5, 7-23, 28, 41-42, 44-47, 49-51, and 53-70, 73 and 74 are active in this application.

Instant application is the parent of 10/045649 and PCT/US01/30543.

Acknowledges

2. Receipt is acknowledged of the following items from the Applicant:
 - o Information Disclosure Statement (IDS) filed on 12/16/2003 and 02/05/2004 and made of record. The references cited on the PTO 1449 form have been considered.
 - o The Supplemental Appeal Brief filed March 08, 2004 has been considered.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert C. Kowert, Reg. No. 39,255 on 11/10/2005.

The application has been amended as follows:

1. A method for shipping goods, wherein the method comprises:

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[[a central server]] receiving at a central server via a network a request to ship an item from an origination to a final destination;

[[the central server]] searching at the central server a database for a most inexpensive routing, wherein the most inexpensive routing includes using two or more different shipping companies and one or more intermediate destinations;

[[the central server]] generating at the central server a data file comprising at least the following:

intermediate destination information identifying the one or more intermediate destinations, and

final destination information identifying the final destination;

[[the central server]] transferring from the central server the data file over a network; and storing the data file in a memory device that accompanies the item.

Reason for Allowance

4. The following is an examiner's statement of reason for allowance:

Applicant's Supplement Appeal Brief filed on March 08, 2004 about the claim rejection under 35 U.S.C. 103 of the last Office Action have been fully considered and are persuasive. The rejection has been withdrawn. Therefore, application is in condition for allowance.

The prior art of record (Theimer, US 5,627,517 and DeRoche, US 6,429,810) fails to provide the basis of obviousness in which Theimer explicitly teaches away from the use of a central server (Theimer col. 3, lines 47-51) to generate a data file comprising at least intermediate destination information identifying the one or more intermediate destinations, and

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final destination information identifying the final destination and transferring from the central server the data file over network and store the data file in a memory device that accompanies the item, in conjunction with the remaining, salient claim provisions as claimed in claim 1.

DeRoche/Theimer do not teach or suggest to generate a data file comprising a unique item identifier, origination information, intermediate destination information and final destination information, to transfer the data file over the network and store the data file in a memory device that accompanies the item as per claim 50; DeRoche/Theimer do not teach or suggest a central server configured to generate a data file including information identifying an origination, destination, and intermediate destination comprised in the shipping route and a memory device configured to be coupled to the item and configured to receive and store a copy of the data file generated by the central server as per claim 53.

The prior art of record (Lubenow, US 5,715,398) discloses a system for developing a plan for distribution of items from an origin to one or more destination permits one to ascertain estimated saving resulting from the use of a hired carrier and the U.S Postal Service and having a memory for storing entry points (See col. 3, lines 16-38). However, Lubenow fails to teach generating a data file comprising entry points and stored the data file into memory device that accompanies the item being shipped.

The prior art of record (PCT/US00/24225) discloses a global computer server calculates an optimal route for the article from its intermediate location to its next intermediate or final destination. However, the filing day of this PCT (31 August 2000) is not proper to constitute this PCT as a prior art to instant application because the new 35 U.S.C. 102 (e) can not be applied.

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Dependent claims 2-5, 7-23, 28, 41-42, 44-47, 49, 51, 54-70, 73, and 74 are allowable because they depend from claims 1, 50, 53.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

6. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the day of this letter. Failure to respond within the period for response will cause the application to become abandoned (see M.P.E.P 710.02(b)).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stephenson U.S Patent No. 6,094,642 discloses integrated data collection and transmission system and method of tracking package data.

Westbury U.S Patent No. 6,873,963 discloses shipment tracking analysis and reporting system (stars).

European Patent application 98300263.5 discloses Route determination in a vehicle navigation system.

European Paten application 96300873.5 discloses Incremental route calculation.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marilyn P Nguyen whose telephone number is 571-272-4026.

The examiner can normally be reached on M-F: 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MN

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November 10, 2005


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
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